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ATTORNEYS AT LAW

SEP 06 2005

**FAX**

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DATE: September 6, 2005

PLEASE DELIVER TO:	PHONE NO.:	FAX NO.:
<b>U.S.P.T.O ART UNIT: 2873</b>		<b>(571) 273-8300</b>

FROM: Kenneth R. Backus, Jr. PHONE: (650) 843-5289 REPLY FAX: (650) 857-0663  
RE: U.S. Patent Application No.: 10/722,836

NUMBER OF PAGES, INCLUDING COVER PAGE: <b>3</b>	Client Number: 300001-2009
	Requestor #: 12590

**MESSAGE:**

Attached are the following documents:  
Transmittal;  
Response to the Restriction Requirement

If you do not receive all of the pages, please call  
Dolores McKay at (650) 843-5723 as soon as possible.

Rev. 11/19/2001

Attorney Docket No.: COAD-005/00US

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PATENT

SEP 06 2005

I hereby certify that this correspondence is being transmitted by facsimile addressed to Mail Stop Amendment, Art Unit 2873, Commissioner for Patents, Facsimile Number (571) 273-8300, at United States Patent and Trademark Office, Alexandria, VA 22314 on SEPTEMBER 6, 2005.

By: \_\_\_\_\_

  
 Dolores McKay  
 Dolores McKay

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jack Robert KELLY, et al.

Serial No.: 10/722,836

Examiner: Lester, Evelyn A.

Confirmation No.: 8166

Art Unit: 2873

Filed: November 26, 2003

For: APPARATUS AND METHOD FOR CONTROLLING POLARIZATION IN  
AN OPTICAL COMMUNICATIONS MEDIUM

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TRANSMITTAL OF RESPONSE TO RESTRICTION REQUIREMENT

Enclosed is the following document in response to the Office Action mailed on August 9, 2005, for the above-identified application:

Response to the Restriction Requirement

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Dated: 9/6/05

Cooley Godward LLP  
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By: \_\_\_\_\_

Respectfully submitted,  
**COOLEY GODWARD LLP**

  
 Kenneth R. Backus, Jr.

Reg. No. 48,861

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Attorney Docket No.: COAD-005/00US

SEP 06 2005 PATENT

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By: Dolores McKay

Dolores McKay

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Commissioner for Patents  
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Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Applicants respectfully request the entry of the following election in response to the Office Action dated August 9, 2005.

The Patent Office required an election under 35 U.S.C. § 121 of one of the following inventions:

I. Claims 1-38, drawn to a polarization controller, classified in class 359, subclass 484+; and

II. Claims 39-52, drawn to a method of resetting a polarization controller, classified in class 398, subclass 25.

Applicants provisionally elect to prosecute Claims 1-38 of Group I. The election is without traverse.

Dated: 9/6/05

Respectfully submitted,  
COOLEY GODWARD LLP

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